IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO. 2999 OF 2005
IN
FIRST APPEAL NO. 1052 OF 2003.
WITH
CIVIL APPLICATION NO. 3000 OF 2005
IN
FIRST APPEAL NO. 1053 OF 2003.
WITH
CIVIL APPLICATION NO. 3001 OF 2005
IN
FIRST APPEAL NO. 1054 OF 2003
WITH'
CIVIL APPLICATION NO.3002 OF 2005
IN
FIRST APPEAL NO. 1055 OF 2003.
WITH
CIVIL APPLICATION NO. 3003 OF 2005
IN
FIRST APPEAL NO. 1056 OF 2003.
WITH
CIVIL APPLICATION NO. 3004 OF 2005
IN
FIRST APPEAL NO. 1057 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr. Dilip Bodke for the applicants.
Mr. K.K. Tated, A.G.P. for the State-Respondents..

CORAM : ANOOP V. MOHTA, J.

DATE : 07.12.2005

. All these civil applications have been filed by the claimants with a prayer that the executing Court should calculate and or determine the amount due and payable as per the impugned award passed by the S.L.O..

2. Heard parties.

3. By an order dated 23.7.2003, while admitting the appeal filed by the State of Maharashtra-respondents, there is a specific order, which is reproduced as under;

"Rule returnable after 8 weeks.

In the meanwhile, ad-interim relief subject to deposit of the entire amount awarded with costs and interest in this Court. In the event of failure on the part of the applicant to deposit the amount as indicated above, ad-interim relief granted shall stand vacated automatically without reference to the Court."

4. By an order dated 26/3/2004, this Court has on an application filed by the

claimants permitted to withdraw the amount of Rs.1,92,447/-, as prayed. The claimants-appellants however, moved an civil application in these matters with request to determine the amount as per award. By an order dated 16/7/2004, this Court has directed the executing Court to determine the amount.

5. Based on the same, the executing Court in the respective Darkhast has passed the order dated 16/9/2004 and directed the Government to deposit the respective amounts. A statement is made at the bar and not disputed by the claimant, that the Government has deposited the said additional amounts also, as per order dated 16/9/2004.

6. The claimants however, still dissatisfied, moved these applications with a specific prayer along with their computation in para 12.

7. Their appears to be no dispute in so far as, the entitlement of the claimants of the respective amount, as per the provisions of Land Acquisition Act and as directed by the Court by the respective orders. Therefore, without going into further controversy of exact calculation, the executing Court i.e. Civil Judge, Sr. Division, Karad, is hereby ordered to consider the application filed by the claimants, and to determine and/or calculate the amount from the date of award passed by the SLO, in accordance with the provisions of Land Acquisition Act and pass the order accordingly. He should decide the application expeditiously. The parties are at liberty to approach to the Court with their respective calculations and defence, if any, The claimants are at liberty to withdraw the amounts by filing an appropriate application.

8. With this, these civil

applications are disposed of with no order as to cost.

(ANOOP V.MOHTA,J.]